

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF APRIL 16, 2013

PLANNING COMMISSION
MINUTES OF MARCH 19, 2013
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,
Weller

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Cochran, City Planner
Lucar, Administrative Secretary
Henckel, Asst. Director of Public Works

Chair Spencer called the meeting to order at 7:00 PM.

Lucar noted that Woodruff will be on military leave through July.

Motion by Postema, supported by Hegyi, to excuse Hegyi and Woodruff. Motion carried
unanimously.

APPROVAL OF MINUTES

The minutes of February 19, 2013 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

(Hegyi arrived at this time)

AGENDA ITEM NO. 1

Request to rezone 0.84 acres from R-2 Single Family Residential to B-1 Local Business.
The properties are located at the southwest corner of Rathbone Street and Freeman
Avenue. (Section 2) (McDonald's USA, LLC)

Cochran described the location, existing land use and current zoning around the area. McDonald's USA desires to construct a drive through restaurant at the northwest corner of Chicago Drive and Freeman Avenue. The existing commercial property (most recently a Dollar Store) at that location is not of sufficient size to accommodate the proposed development. McDonald's proposes to rezone the five parcels north of the property to B-1 Local Business. McDonald's has purchase options on all the parcels. In addition to the rezoning request, there is a companion request to vacate the public alley between the residences and the commercial building. The alley would be removed and relocated to outlet north on Rathbone Street. If the rezoning and alley vacation are approved by City Council, McDonald's will then submit detailed plans for Special Use and Site Plan Approvals from the Planning Commission for the drive through restaurant. The provided exhibit is a representation of how the property is intended to be developed.

The subject area has been zoned R-2 Single Family Residential since at least 1959. The commercial parking lot north of the alley predates 1959 and is nonconforming with the current Zoning Code.

Staff Comments:

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies these properties as suitable for Low-Medium Density Residential use, which is in keeping with the existing residential development. However, the Plan recognizes that north Wyoming is in great need of rejuvenation and has many buildings that are underutilized or vacant. The overall recommendation for this area is that employee intensive uses are desirable to encourage a labor force that can live nearby and provide walk-to-work opportunities for these economically constrained residential neighborhoods. The development of a McDonald's restaurant at this location would support this recommendation.
2. The nonconforming commercial parking lot at the corner of Rathbone Street and Freeman Avenue has for decades established a commercial activity in this neighborhood. The parking lot has served the various business uses that have occupied the commercial building fronting on Chicago Drive. It is highly doubtful that parking lot site would be redeveloped into a residence.
3. The rezoning and subsequent development of a McDonald's at this site would significantly affect the residential character of this area of Rathbone Street. To gain a deeper understanding of this proposed change, City staff undertook a nearby door-to-door outreach in December. A large number of the homes in this area are rentals. Those residents contacted were supportive, or had no opinion, of the proposed McDonald's. Most had knowledge of the proposed McDonald's before the City outreach. As part of the recent rezoning notification process, public hearing notices were sent to both property owners and residents within a 600 foot radius. With the development of a McDonald's at this location, care must be taken to provide suitable buffering, lighting controls, and building facades to integrate the development with the neighborhood.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed rezoning will allow for the redevelopment of several underutilized properties. The resulting McDonald's will provide much needed investment along Chicago Drive and will provide many new jobs for area residents. The rezoning will enhance the economic strength of the City and contribute to an overall vibrant community. The proposed rezoning conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

Cochran noted there was one letter received in support of the rezoning.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning.

Chair Spencer opened the public hearing.

Rick Golenbiewski , 1126 Rathbone Street, stated he has owned this property for 27 years. In reviewing the Land Use Plan that was adopted in 2006, it mentions block grant monies would be used to sustain the neighborhood through rehabilitation and code enforcement. Since Taco Bell went in, they have experienced loud noise from vehicles and the drive-through speakers, a loss of green space and buffering, loss of natural drainage, problems with trash, obscene graffiti on the bordering fence and lights shining into homes. With a McDonald's there also, there will be increased traffic, with people using the side streets instead of exiting to Chicago Drive. He showed pictures of the graffiti that is on the fence bordering Taco Bell.

David Strickland, 1121 Whiting, was not against the McDonald's, but was concerned about increased traffic coming out onto Freeman Street.

Jan Johnson, Land Use Planner with Main Street Planning Co., 1811 - 4 Mile Road, representing Mr. Golenbiewski, pointed out the Land Use Plan calls for residential land use for this area. Rezoning to B-1 constitutes spot zoning. The primary concern should be sustainability of the neighborhood. If the property is rezoned and McDonald's leaves, they could be left with B-1 zoning and an empty building.

Liz Shustha, 1120 Rathbone, is one of the residents who will be relocated with this development. She is in favor of the plan and thought McDonald's would bring in needed tax revenue for Godfrey-Lee Schools. Mr. Golenbiewski does not live in the neighborhood. She has lived there 28 years. Taco Bell has tried to be a good neighbor and regularly has employees cleaning up outside.

Robert Steiner, 1115 Rathbone, did not think the rezoning was a good idea. He does not like the litter from Taco Bell, and McDonald's would only bring in about 20 new jobs. He also thought there would be an increase in traffic.

Jacob Hawkins, 1154 Rathbone, thought increases in traffic will be a problem with vehicles entering off Chicago Drive. He was also concerned with the environmental impact. Youth will be congregating there, causing an increase in crime. There will be an increase in noise and littering.

Edith Arvizu, 1111 Rathbone, said the McDonald's will be right across the street from them. She is worried about the increase in traffic and the safety of the young children in the neighborhood.

Juan Amaya, 1111 Rathbone, opposed the rezoning. It will only increase the number of youth hanging out, which leads to crime. There has been an increase in littering and noise with Taco Bell, and the McDonald's will make it worse.

Chair Spencer closed the public hearing.

Jeff Brinks of Williams and Works, representing McDonald's, indicated that McDonald's feels this location will be beneficial to both them and the City. They will continue to refine the site plan and attempt to address concerns.

Motion by Arnoys, supported by Bueche, to recommend to the City Council the subject rezoning. Discussion followed.

Chair Spencer pointed out that most of the comments made during the public hearing are related to the site plan, which is not being considered tonight, but they are valid concerns.

Micele asked Brinks if they had done any type of outreach to the neighbors regarding their proposal. Brinks said they have reached out to the property owners of homes they intend to purchase. Micele asked how many homeowners Cochran was able to contact. Cochran said he went door-to-door and was able to speak with eight residents.

Weller asked if this was a 24/7 operation. Cochran responded affirmatively.

Hegyi asked if there would be a fence along the vacated alley out to Rathbone. Cochran said yes. There would also be landscaping along Rathbone Street. Hegyi asked if there would be a way to prohibit delivery trucks turning onto Rathbone. Cochran replied this question will be addressed during site plan review.

Micele asked who owns the alley. Cochran replied it is a public alley.

Chair Spencer asked if the property would remain B-1 zoned even if the site plan were not approved. Cochran replied affirmatively.

Postema asked if there was anything to prevent a drive access to Rathbone. Cochran responded that traffic circulation on the property can be addressed during site plan review.

Goodheart did not like the fact that the rezoning would go all the way up to Rathbone, especially if McDonald's does not receive their approvals. Cochran questioned the value of not rezoning up to Rathbone. Goodheart mentioned there is a power line in the alley that would have to be moved. McDonald's would have to pay to move the power line.

Postema asked if they would need a variance for the front yard setback. Cochran replied yes, the same type of variance that was granted to Taco Ball to be closer to the street. He thought there could be at least a ten foot greenbelt. Postema asked about the possibility of a traffic round-about for this intersection. Cochran explained that roundabouts are just starting to be implemented in the region. Chicago Drive is a State trunkline. The amount of right-of-way needed to accommodate tractor trailers in a round-about is exceptional.

Weller thought this stretch of Chicago Drive needs to be rejuvenated. He was in favor of the proposal.

Hegyi said he was excited about the project until he heard the neighbors' comments. The area does need to be rejuvenated.

Chair Spencer pointed out conditions can be placed on the Site Plan and Special Use Approvals to have more control with development of the site.

Micele asked, if the project moves forward, does it have to be a 24 hour operation. Brinks said the drive-through would be open 24 hours, but the lobby would close around 10 or 11 p.m.

Postema asked if the alley vacation was contingent upon the rezoning, or vice-versa. Cochran replied both decisions are separate and rest with the City Council. Development is contingent upon both the alley vacation and the rezoning. Postema pointed out, if the alley vacation is not approved, then we have commercial on both sides of it. Cochran noted it is not uncommon in the city for single family homes to be zoned commercial. They become non-conforming uses but can be rebuilt as single family homes.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to vacate a portion of an alley located between Rathbone Street and Chicago Drive and extending west from Freeman Avenue for a distance of 195.31 feet. (Section 2) (McDonald's USA, LLC)

Cochran described the location, existing land use and current zoning around the area. McDonald's USA desires to construct a drive through restaurant at the northwest corner of Chicago Drive and Freeman Avenue. The existing commercial property (most recently a Dollar Store) at that location is not of sufficient size to accommodate the proposed development. McDonald's has optioned the residences north of the alley and has a companion request to rezone those properties to B-1 Local Business. McDonald's also needs to vacate the public alley between these parcels to allow construction of the restaurant over this area. The alley would be relocated to bend north to Rathbone Street. If the rezoning and alley vacation are approved, McDonald's will then submit detailed plans for Special Use and Site Plan Approvals from the Planning Commission for the drive through restaurant.

Staff Comments:

1. The 16 foot wide alley serves many commercial and residential properties between Freeman Avenue and Nagel Avenue. The relocation of the alley to bend north to Rathbone Street requires a permanent highway easement from McDonald's to the City of Wyoming. An easement is preferred rather than right-of-way dedication as McDonald's will be maintaining landscaping and fencing along the length of the relocated alley. The relocated alley will need to be constructed before the vacated portion is removed. At a minimum, a six foot privacy fence will be required between the relocated alley and the adjoining two family residence. Due to the businesses and homes that the alley serves, staff does not believe the alley vacation should be extended beyond that proposed.
2. When right-of-way is vacated, it is split with each half assigned to the adjoining property fronting along it. The adjoining Taco Bell property has approximately 30 feet of frontage along the proposed alley vacation. The land area that would be assigned to the Taco Bell property is approximately 240 sq. ft. and would be behind that property's fence. To prevent a potential maintenance nuisance, it would be desirable for Taco Bell to transfer ownership of this small area to McDonald's so they may include it with their development.
3. The vacation of the alley is dependent upon approval of the rezoning. If the rezoning is denied the McDonald's development will not go forward.
4. At a minimum, a six foot high privacy fence will be required along the property line west of the relocated alley with the McDonald's development.
5. There are no public utilities within the proposed alley vacation.
6. Right-of-way vacations require the City Council to set, and hold, a public hearing. This will occur after the vacation recommendation from the Planning Commission.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed alley vacation will allow for the redevelopment of several properties. The resulting restaurant development will infuse vital investment into the Chicago Drive corridor. It will also contribute to the economic strength of the City by providing many new jobs. The proposed alley vacation conforms to the City of Wyoming sustainability principles.

Staff Recommendation:

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed alley vacation, subject to the provision of the permanent highway easement and construction of the relocated alley outlet.

Chair Spencer opened the public hearing.

Rick Golenbiewski, 1126 Rathbone, pointed out neighbors are losing much needed parking with the loss of the alley. Some people will have to park on the street. There will also be problems with snow removal. No one is going to want to rent out his home with the McDonald's right there. What type of buffering will there be?

Jan Johnson, Land Use Planner with Main Street Planning Co., 1811 - 4 Mile Road, representing Mr. Golenbiewski, said in all her experience as a planner, she had never been before a Commission that did not mention the Land Use Plan in discussing a rezoning.

Robert Steiner, 1115 Rathbone, was concerned about headlights shining into his home and problems with snow removal.

Jacob Hawkins, 1154 Rathbone, said this project will bring down the property values of the neighborhood. The McDonald's will not bring in many jobs, but negatively impact many neighbors. The City should concentrate on making the neighborhood better instead of bringing in more commercial.

Liz Shustha, 1120 Rathbone, said, regarding traffic in the alley, there is very little.

Dave Strickland, 1121 Whiting, asked if this would be a public alley with traffic going out to Rathbone.

Chair Spencer closed the public hearing.

Jeff Brinks of Williams and Works, representing McDonald's, indicated the alley would be maintained by the City. McDonald's will provide an easement for the alley and maintain the landscaping. The City would also be responsible for the snow removal. Postema asked what they would do as far as moving the power lines. Brinks said this issue would be addressed by McDonald's.

Motion by Hegyi, supported by Bueche, to recommend to the City Council the proposed alley vacation, subject to the provision of the permanent highway easement and construction of the relocated alley outlet. Discussion followed.

Hegyi thought there would be more parking available on Rathbone, as opposed to less, with the removal of the homes. He asked if there had been discussion about curving the alley south towards Chicago Drive. Cochran said it would be too close in proximity to the Taco Bell drive. City staff felt the design proposed would be the best solution because there is minimal traffic.

Micele asked if the alley is a one-way. Brinks said it is a very narrow two-way, with only 16 feet of width.

Chair Spencer asked how many houses will remain backing up to the alley. Cochran said eight houses will remain, but not all of them have access to the alley. The alley will have very little through use.

Postema asked if garbage trucks used the alley. A resident noted garbage trucks do not use it, only a few delivery trucks. Chair Spencer said the alley vacating would prevent delivery trucks from using it.

Micele asked the need for extending the alley. Cochran replied it serves a public purpose and there is a benefit to having both ends open. Traffic flow prevents congregating and loitering. Chair Spencer asked if it would be possible to make the alley a one-way. Cochran said this can be explored.

Bueche asked if there were any public utilities besides the power lines in the alley. Cochran replied no. Bueche asked if the City Council could vacate the alley without going through Circuit Court and replatting. Cochran said this issue has been brought before the City Attorney and it is his opinion that the City Council has the authority to vacate right-of-way. Bueche pointed out the old legal description in Exhibit A which states the property is located in the City of Grand Rapids. This needs to be updated. The petitioner said he would make the correction.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Request to amend Zoning Code Section 90-646 regarding required vehicle parking and stacking for drive through restaurants. (Wyoming Planning Department)

Cochran noted in October 2011, the Zoning Code was significantly amended regarding parking requirements throughout the City. The amendments encompassed three areas: parking, loading and access/circulation. Previously, the Zoning Code contained standards that had not been thoroughly reviewed by the City in over three decades. Prior to the amendments, several developers had been requesting relief from City parking requirements. These had been in areas of reduced parking space sizes, number of spaces required, or banking of spaces until a demonstrated need is determined. As these requests became more frequent, it became apparent that the City needed to look at the entire parking requirements to assess their appropriateness. In addition, the City began concentrating on the redevelopment of vacated or underutilized properties such as the Division Avenue and 28th Street corridors and the former GM Stamping Plant. It was determined the City needed to take advantage of accepted nation-wide practices to encourage and facilitate high quality developments.

Subsequently, it has come to our attention that the requirements for drive through restaurants may be excessive. Over the last few months, staff has been working with the McDonald's corporation on several properties, with parking being the major concern. Conversations with other restaurant developers regarding other potential developments has also emphasized this concern. These situations prompted staff to take a more focused look at drive through parking requirements than the prior overall parking amendments allowed.

The Zoning Ordinance requires one parking space for each 50 s.f. of gross floor area (GFA) plus 10 stacking spaces for each food pickup window. These requirements are not uncommon nationally, but may not be the most appropriate for Wyoming. Over the last few months, staff has observed drive through restaurant businesses throughout the City. Although not documented, it's been noticed the extent of open parking lots and the infrequency of the stacking lanes being maximized. William & Works, a local planning and engineering firm who provides consulting services to numerous area communities, conducted some research regarding parking/stacking needs and municipal requirements. Staff also conducted a search of Zoning Codes and found an extensive range of standards that establish parking requirements based on gross floor areas, useable floor areas, seating capacities, and occupancy loads. After consideration, staff believes that due to the wide range of drive through businesses and their individuality, it would be best to derive a parking requirement based on the occupancy of the use. The City of Grand Rapids (in suburban settings), requires 1.25 parking spaces for every 3 people occupancy, as determined by the Building Code. Applying this standard to Wyoming is reasonable and promotes consistency in the region.

In addition, it was found that a minimum requirement of five stacking spaces for drive through restaurants is common. This is half of what our Zoning Ordinance requires. Those businesses that require additional stacking based on historical evaluations would naturally provide such. However, it would be prudent to require the queuing of vehicles to not interfere with public right-of-ways or with on or off site circulation and parking. The adoption of the proposed amendments would effectively reduce the current parking and stacking requirements by 50 percent.

Proposed Ordinance Amendment:

Section 90-646:

Drive through restaurant: 1.25 / 3 occupancy as determined by the Building Code, plus a minimum of 5 stacking spaces for each pickup window. The queuing of vehicles shall not interfere with public rights-of-way or with on or off site circulation and parking.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Sections 90-646 regarding required vehicle parking and stacking for drive through restaurants.

Chair Spencer opened the public hearing.

Rick Golenbiewski, 1126 Rathbone, said there is monetary value in stacking up as many cars as possible in a drive-thru. About 60% of McDonald's business is drive-thru, which means there will be a great amount of headlights shining into homes and noise.

Jan Johnson, Land Use Planner with Main Street Planning Co., 1811 - 4 Mile Road, thought the zoning text change was brought up only because of McDonald's situation. She did think it made sense to reduce the amount of parking because of so many patrons using the drive-thru.

Jacob Hawkins, 1154 Rathbone, also thought less parking spaces were needed with the double stacking for the drive-thru.

Chair Spencer closed the public hearing.

Motion by Weller, supported by Hegyi, to recommend to the City Council the subject Zoning Code amendments to Sections 90-646 regarding required vehicle parking and stacking for drive through restaurants. Discussion followed.

Postema agreed with the concept of the proposed zoning text change, but there needed to be a simpler way to calculate the number of parking spaces needed on a site. Cochran noted, with the 1 to 100 ratio, there is often quite a few empty parking lots. It is the amount of seating that drives how many parking spaces are ideal, rather than the size of the building. There would be a calculation involved, but it is not a major issue. Postema thought the calculation was an unnecessary step, but agreed with the concept of reducing the parking requirement.

Hegyi thought this item could be deferred one month in order to address Postema's concern regarding the parking calculation and to address other alternatives.

Motion by Postema, supported by Micele, to defer this item month

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Request for Special Use Approval (Secondhand Goods) for Goodwill. The property is located on the south side of 28th Street and 400 feet west of Clyde Park Avenue. (Section 14) (Architectural Concepts) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. Goodwill proposes to construct a freestanding 14,816 s.f. building. They would then relocate from their lease space located on 28th Street and east of Clyde Park Avenue. Goodwill sells donated items, which are secondhand goods. The property is within the DDA area, which extends along 28th Street from Division Avenue to Byron Center Avenue. The City Council, upon recommendation from the Planning Commission and DDA, amended the Zoning Code in May 2011 to allow secondhand businesses in the DDA district with Special Use Approval. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This site had been used for an Old Kent Bank, before it was demolished and relocated to 28th Street and Michael Avenue (now Fifth Third Bank). The proposed secondhand business would occupy an underutilized parking area for Rogers Plaza. Temporary carnival use, and snow storage, occurs on this site regularly. The proposed retail activity is anticipated to have a positive effect on neighboring properties by providing a viable and unobtrusive commercial activity. The recent market analysis prepared by LandUse USA for the Turn-on 28th Street Subarea Plan strongly recommends a retail strategy that focuses on both retention and small business growth in this area.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. Goodwill already has a secondhand business presence in this area. The nearby 28th Street Showplace also conducts secondhand goods trade shows. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has direct access to 28th Street and Clyde Park Avenue. No adverse traffic impacts are anticipated from this retail use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed store will occupy an underutilized parking area and provide much needed new development. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The secondhand business use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

All other provisions are met. By the Zoning Code, all secondhand businesses must be a minimum of 250 feet from one another.

Staff had the following added site plan comments:

1. This site is within the recently adopted Turn on 28th Street Subarea Plan amendment to the City of Wyoming Land Use Plan 2020. The Subarea Plan seeks to redevelop the 28th Street corridor between Clyde Park Avenue and Burlingame Avenue into a mixed use, pedestrian oriented, urban area. To guide redevelopment, a Form Based Code (FBC) is being developed to replace the current Downtown Center zoning applicable to this area. The Downtown Center zoning and the FBC under development, are generally compatible. However, the FBC will have far greater requirements as to building appearances and placement, along with allowing a greater range of land uses. The petitioners have demonstrated considerable willingness to develop the Goodwill under the parameters of the draft FBC. This includes building appearance, construction, signage and landscaping. The proposed Goodwill conforms with the Downtown Center Zoning Code requirements. However, the Downtown Center district does not specify building placement in this area. The proposed FBC would place buildings no greater than 45 feet from the 28th Street right-of-way. The proposed Goodwill is set back 193 feet from 28th Street. This set back is established by the owners of Rogers Plaza. Staff is amenable with the proposed building placement as it does not prohibit a future building and private street from being constructed in front of the Goodwill as this area builds out in an urban form. In addition, this development is a significant step in advancing the Turn on 28th Street Subarea Plan.

2. Engineering Department approval is required for site grading, storm water management and utility construction. Developer shall revise all necessary utility easements and vacate all unnecessary utility easements with the proposed water and sewer construction. Storm water calculations shall be provided. The developer shall verify that the site is allowed to discharge storm water onto the neighboring parcel.
3. The plan shows the installation of an irrigated greenbelt along the 28th Street frontage. A sidewalk is required within this greenbelt along the entire frontage of the site. ADA compliant ramps are required at the driveway entrance. A highway easement shall be granted for public use of the sidewalk. The proposed landscape plan is adopted with this site plan approval. Modifications to the landscape plan to accommodate the sidewalk shall be approved by the Planning Department.
4. The proposed façade plan conforms with the Downtown Center requirements and the draft FBC. The façade plan is approved as part of the site plan.
5. A parcel split application is required by the City Assessor to create the proposed two acre site.
6. Off-site parking restriping is shown as a part of this development. The parking south of the proposed lot must be reconfigured from that shown to align with traffic flow. Any easements to provide parking to adjoining properties must be submitted to the Planning Department.
7. Exterior after hour donations shall be removed daily to prevent unsightly accumulation.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed retail development will provide much needed investment on the 28th Street corridor. The development will enhance the economic strength of the City and significantly contributes to the goals established by the Turn on 28th Street Subarea Plan. The proposed Goodwill conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

Cochran referred to the letter submitted by Sun Valley, Ltd, the owners of Rogers Plaza confirming that, due to the conditions of the Family Fare lease, the front of the proposed Goodwill building cannot be closer to the street than the neighboring grocery store property to the east. They also approve the storm water design and understand it will flow into existing

catch basins on the east side of the mall. They also give Goodwill permission to run a new sanitary line through the Rogers Plaza property through an easement agreement in order to connect to the Clyde Park Avenue main sanitary line.

The Development Review Team recommended the Planning Commission grant Special Use Approval for Goodwill – second hand goods per Staff's Findings of Fact. In a separate motion, staff also recommended granting Site Plan Approval subject to conditions 2-7 noted.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Ken Watkins of Architectural Concepts, representing Goodwill, reiterated the points in the letter from the Rogers Plaza owners. They are also committed to installing the sidewalk along 28th Street. As far as donations being left outside the building, the employees arrive one hour prior to opening the store and stay one hour after the store is closed. They immediately bring the donations into the building.

Motion by Hegyi, supported by Arnoys, to grant Special Use Approval for Goodwill – second hand goods per Staff's Findings of Fact. Discussion followed.

Arnoys liked how the project will conform with the Turn On 28th Street plan. Chair Spencer and Micele agreed.

Goodheart asked if the Special Use area had a legal description associated with it. Cochran replied it is tied to the site plan. Goodheart noted the proposed property line goes right up to Duthler Foods, so there is a zero lot line. Is this the existing property line? Cochran said yes.

A vote on the motion carried unanimously.

Motion by Arnoys, supported by Hegyi, to grant Site Plan Approval subject to conditions 2 – 7 noted. Discussion followed.

Bueche said the description on the drawing does not fit the drawing itself. Watkins indicated the earlier description has been corrected. Bueche pointed out the handicapped parking spaces are nine feet in one area and eight feet in another. Watkins said this will be corrected. Bueche said there is not an architectural seal on the plan. Watkins confirmed they will get them sealed.

Postema asked the location of the dumpster. Watkins indicated they do not have an outside dumpster, as trash is kept inside the building and then taken out to be recycled.

A vote on the motion carried 7 – 1, with Bueche opposed.

AGENDA ITEM NO. 5

Request for Site Plan Approval for Walmart Supercenter. The property is located at 325–54th Street, SW (Section 36) (Wal-Mart Real Estate Business Trust)

Cochran described the location, existing land use and current zoning around the area. This site is approximately half of the former VKW Hardwoods facility. The other half was developed a decade ago into the Home Depot retail center. The subject 20.4 acre site was rezoned in late 2012 from I-1 Light Industrial to B-2 General Business in conformance with the City of Wyoming Land Use Plan 2020. The petitioner proposes to construct a 182,680 s.f. Walmart Supercenter on 17.65 acres of the property. The site also provides two potential out lots of 1.32 and 1.44 acres respectively. These lots would be viable for restaurant or retail uses.

Staff Comments:

1. 54th Street, between Clyde Park Avenue and Division Avenue has significant traffic volumes. The Traffic Impact Analysis (TIA) provided with the site plan identifies an existing Level of Service of E (very long traffic delays) or F (extreme traffic delays) for many of the street's major intersections during peak travel times. The proposed Walmart (along with a sit down and drive through restaurant developments on the out lots for traffic calculation purposes) is expected to generate 7,450 new trips daily on 54th Street. The petitioner's consultant has provided recommendations to the City which substantiates the proposed driveway configurations and outlines proposed traffic signal timing changes. Also included is the recommendation for an additional traffic signal at the main entrance to Walmart at Crippen Avenue. There are currently seven traffic signals between Clyde Park Avenue and Division Avenue, with vehicle progression a primary concern. The City has hired a traffic consultant from Progressive AE to evaluate the TIA. His evaluation finds that the proposed additional signal would meet warrants upon build out and would not significantly disrupt progression along 54th Street. However, this does not mean the signal should be installed. It is recommended by the City's consultant that the entrance be constructed as unsignalized, but monitored for potential issues. The overall traffic congestion along 54th Street corridor will remain as Level of Service E and F with the Walmart and out lot developments. Adjustments of the traffic signal cycle lengths would still result in some intersection movement delays than currently experienced. Physical improvements at the major intersections would be needed to truly mitigate the traffic impacts of the development. The representative traffic consultants will be in attendance for questions at the scheduled meeting.
2. Final engineering plans are required to be approved by the Engineering Department. The Engineering Department has provided their recommended amendments to the site plan. Driveway permits are also required. A portion of the sidewalk on 54th Street will be relocated to accommodate the deceleration lane. This relocation will be on private property which requires a highway easement to be provided.

3. Final fire hydrant locations shall be determined by the Fire Department. Additional fire lane width shall be provided along the center drive in the landscaped median area per Fire Department requirements.
4. The site plan shows 657 parking spaces. The Zoning Code specifies 764 parking spaces would be required for this facility based on a total of 191,103 s.f. of gross floor area, which includes the vestibules and interior garden center area. Zoning Code Section 90-646 (4) allows for a parking reduction of up to 25% by the Planning Commission if at least one of the five criteria are met. In this application, Walmart is requesting a reduction of 14%. The petitioner states that the 657 spaces is sufficient for Walmart's needs. In addition, this site is on the RAPID bus route. The existing bus stop will be relocated as determined by the ITP staff. An internal sidewalk will also be constructed along the drive shared with Home Depot to provide pedestrian access from the bus stop and neighborhoods to the south. The Interurban Bike Trail, located west of Division Avenue, is nearby within 1,100 feet. Walmart is also proposing the parking spaces to be 9 ½ feet wide, which is larger than the 9 foot minimum allowed by ordinance. If more parking is eventually determined to be needed, dozens of more spaces could be added around the fringe of the property or added by restriping to a 9 foot width. Staff acknowledges the combination of factors to potentially allow the parking reduction and concurs with this parking waiver request.
5. The Walmart development is required to provide eight loading spaces by ordinance. Six loading spaces are shown. Walmart proposes to reduce the ordinance as provided in Zoning Code Section 90-648 (3) based on their anticipated need as established by other Walmart facilities. Staff concurs with this reduction as, if determined to be necessary, additional loading spaces could be added by bumping out the rear access drive or with a building remodel.
6. The proposed development includes a 3,580 s.f. outdoor garden area. Open air uses require Special Approval from the Planning Commission. This aspect of the project cannot be approved with this site plan request. A separate application would be needed for this review.
7. The one story building façade is primarily precast concrete panels in earth tones. The building will be set back 660 feet from 54th Street. The proposed building façade is acceptable.
8. The proposed landscape plan shows significant plantings throughout the entire property. The proposed landscaping plan meets City requirements and is adopted as part of the site plan approval. The front out lot areas shall be established with grass and maintained. The front yard greenbelt extending 25 feet from the 54th Street right-of-way shall be irrigated. Additional landscaping will occur with the development of the out lots.
9. To establish the proposed out lots, a property split request must be made to the Assessing Department. An access easement is required to be provided to the City to verify that

driveway access to these lots will be only from the internal drives to prevent additional curb cuts on to 54th Street.

10. The final site plan must be amended to include the property's legal description.
11. The Walmart Supercenter includes a pharmacy pick-up window on the west building wall. Accessing the window would generally require turning around within the drive aisle. This is in a low traffic volume area and does not cause the developer or staff concern.
12. The Electrical Inspector has reviewed the proposed photometric plan. The proposed lighting for the facility will not unduly cast light beyond the perimeter of the property.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed Walmart Supercenter will redevelop a prior industrial site. Soil contamination will be remediated with the project. The facility, and subsequent out lot development, will provide several hundred long-term jobs, as well as substantial construction employment. The large scale development will also contribute significantly to the City tax base. These factors improve the environmental quality, economic strength and social equity of the City. The proposed Walmart conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

The following conditions of approval for the Walmart Supercenter site plan are recommended:

1. Traffic management plans, including traffic signal optimization, driveway designs, the deceleration lane and sidewalk relocation, shall be approved by the Engineering Department. Driveway permits and a highway easement are required.
2. The grading, utility and storm water management plans shall be approved by the Engineering Department. Conformance with the Engineering Department memorandum dated February 28, 2013 is required.
3. Final fire hydrant locations, and fire lane configurations, shall be approved by the Fire Department.
4. The requested parking requirement reduction of 14% (764 spaces to 657 spaces) is granted.

5. The deferment of two loading spaces is granted. A change of use to the property may require the installation of the additional loading spaces, subject to a demonstrated need, as determined by the City Planner.
6. The outdoor garden area is not a part of this site plan approval. A separate Special Use Approval request is required.
7. The proposed building elevations are adopted as part of this site plan approval.
8. The proposed landscape plan is adopted as part of this site plan approval. Irrigation shall be installed in the required front yard area.
9. The proposed out lots will require a property split request. Access easements shall be provided to prevent additional driveway requests on to 54th Street.
10. The property legal description shall be included on the site plan.
11. The proposed photometric plan is adopted as part of the site plan approval.

Planning Commission Action:

Cochran noted Traffic Engineer Pete LaMourie of Progressive AE is available to answer traffic questions, and also Russ Henckel, Assistant Director of Public Works.

The Development Review Team suggested the Planning Commission grant Site Plan Approval for Walmart Supercenter subject to conditions 1-11 noted.

Motion by Hegyi, supported by Arnoys, to grant Site Plan Approval for Walmart Supercenter subject to conditions 1 – 11 noted. Discussion followed.

Postema said he did not see a height elevation on the plan. Architect Brian Lorenz of WD Partners in Dublin, OH, showed elevation drawings, with heights of between 22.8 and 26 feet. All the mechanical units on the roof will be screened.

Weller thought the traffic signal at the railroad tracks could be timed better because it is very long. Perhaps it could be eliminated and just have the one signal at Crippen, or the light could remain green except when the train is going through. LaMourie explained this is a pre-signal light, which is required for safety reasons.

Goodheart asked who pays for the added traffic signal. LaMourie said this could be put in an escrow account for Walmart to fund. Goodheart asked if the out lots would be split out as separate parcels. Cochran replied the out lots will be separate parcels. Robert Matko, consulting engineer at CESO, representing Walmart, indicated the uses for the out lots are unknown at this time. Goodheart asked if the storm water system was designed for the out lots also. Matko responded affirmatively.

Bueche asked if they were providing one survey description for the entire parcel. Matko replied the Walmart and out lot descriptions will be separate, and they will provide the revised descriptions.

Chair Spencer asked if a condition could be added to the approval that Walmart is responsible for paying for a potential traffic signal. Henckel said the need for an added traffic signal has to be reviewed further, since this may cause too many lights on 54th Street.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 6

Chateau Village Apartments Phase 4

Cochran indicated a law suit has been filed against the City and developer by one of the Chateau Estates property owners. Cochran and Chair Spencer gave depositions last week. The developer is proceeding with construction of the apartments.

AGENDA ITEM NO. 7

Wyoming Form Based Code Update

Cochran noted the Committee is making progress in this regard. At their last meeting they addressed signage provisions. The Committee will meet again next week. They are moving closer to having a full package to present to the Planning Commission.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 10:05 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Secretary
Wyoming Planning Commission